

Constitutional Amendments for consideration in 2004

Prepared by House Legislative Services
Louisiana House of Representatives



September 18, 2004, Open Primary

CA No. 1 - MARRIAGE IN LA; UNION OF 1 MAN & 1 WOMAN



To provide that marriage in this state shall consist of the union of one man and one woman, that legal incidents of marriage shall not be conferred on a member of any union other than such union, and that the state shall not validate or recognize a legal status identical or substantially similar to that of marriage for unmarried individuals or any marriage contracted in any other jurisdiction which is not the union of one man and one woman. (Adds Article XII, Section 15)

This proposed constitutional amendment would define marriage as a union between one man and one woman and would prohibit the recognition of same-sex marriages or civil unions performed in other states. The proposed amendment also prohibits officials or courts from conferring marriage or the legal incidents thereof upon any union other than the union of one man and one woman and provides that a legal status similar to that of marriage shall not be valid or recognized for unmarried individuals.

Although current state law already bars same-sex marriages, proponents believe that putting a definition of marriage in the state constitution would better protect the policy and discourage legal challenges. Proponents stated that existing law is not strong enough and the courts could change the existing definition of marriage because there is no constitutional protection. This constitutional amendment will make the same-sex marriage ban immune from a state court challenge. Additionally, proponents further stated that traditional marriage needs protection from gay marriage, because marriage is the ultimate core value of our society.

Opponents of the amendment contend that it would authorize a way to discriminate against people and may jeopardize employee policies for some companies in the state or may prevent some business from relocating to Louisiana because it creates a perception of intolerance and bigotry. They further stated that the amendment is legally redundant and needlessly intrusive and punitive. By placing discrimination in the constitution, opponents believe it will create division, hatred, and violence.

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November 2, 2004, Congressional Elections

CA No. 1 - RIGHT OF EVERY CITIZEN TO HUNT, FISH, AND TRAP



To guarantee the right of every citizen to hunt, fish and trap, subject to regulation, restriction, or prohibition as provided by law.

(Adds Article I, Section 27)

This proposed constitutional amendment "preserves" the freedom to hunt, fish, and trap wildlife and all aquatic life which have been traditionally taken by hunters, trappers, and anglers. The amendment requires hunting, fishing, and trapping to be managed by law and regulation consistent with the constitutional provision which requires protection, conservation, and replenishment of the state's natural resources.

Because there was some concern about whether or not this provision would obviate the need for a hunting or fishing license or would eliminate the ability of the Wildlife and Fisheries Commission to set hunting, fishing, or trapping seasons and limits, the proposed constitutional amendment specifically states that the provision does not alter the burden otherwise established by law for any challenge to a law or rule regulating hunting, fishing, or trapping in the state. In addition, due to concerns about the impact of the provision on the rights of private property owners, the amendment specifically states that the provision does not authorize the use of private property to hunt, fish, or trap without the consent of the property owner.

Proponents argue that this amendment is needed to preserve an important element of Louisiana's heritage. Opponents argue that the amendment has no impact as it has no affect on the regulatory authority of the government.

CA No. 2 - HOMESTEAD EXEMPTION FROM AD VALOREM PROPERTY



To provide that homestead exempt property is limited to property owned and occupied by the owners; to provide for land classified and assessed at use value; to provide that a field which qualifies for a homestead exemption may have timber on it; to prohibit granting the homestead exemption to bond for deed property unless granted before June 20, 2003; to explicitly prohibit more than one homestead exemption applying to any person; and to require the homestead exemption to extend to the following:

- (1) The surviving spouse when the homestead is occupied by the surviving spouse and title to it is in the surviving spouse's name as owner of any interest or as usufructuary, or in the name of a testamentary trust established for the benefit of the surviving spouse or the descendants, or to the former spouse when the homestead is occupied by the former spouse and title to it is in the name of either or both of the former spouses.
- (2) Property owned by an irrevocable trust when the principal beneficiary or beneficiaries are the settlor or settlors of the trust and were the immediate prior owners of the homestead, and the homestead is occupied as such by a principal beneficiary.
- (3) Property where the usufruct has been granted to no more than two usufructuaries who occupy the homestead and who were the immediate prior owners of the homestead.
- (4) A natural person or persons and to an irrevocable trust created by a natural person or persons in which the beneficiaries of the trust are a natural person or persons if the criteria above is otherwise satisfied.
- (5) Property owned, limited to the pro rata ownership interest of the person occupying the homestead unless provided otherwise above.

(Amends Article VII, Section 20(A))

For purposes of property taxes, the existing homestead exemption excludes the first \$75,000 in value of a homeowner's primary residence. While this amendment does not change the dollar amount, if adopted, this Constitutional Amendment: provides that homestead exemption from ad valorem taxation (property tax) is limited to property occupied by the person claiming the exemption; provides for land classified and assessed at use value (agricultural, horticultural, marsh and timber lands) to be eligible for the homestead exemption; provides that a field which qualifies for homestead exemption may have timber on it; prohibits granting the homestead exemption to bond for deed property unless granted before June 20, 2003; explicitly prohibits more than one homestead exemption applying to any person; and requires the homestead exemption to extend as specified in the five (5) items listed in the ballot language.

Proponents of this constitutional amendment indicate that this measure is necessary to protect the homestead exemption of widows and widowers, estimated to be about 20% of the state's homeowners. Technically, the existing homestead exemption is not available when the property is jointly owned by a surviving spouse and his/her adult children; nonetheless, an auditor's report of assessors offices last year found that most assessors routinely grant the exemption to these surviving spouses and other unmarried couples and recommended that the law be enforced. This amendment would legalize the practice of the assessors by protecting the state's homestead exemption for joint property owners.

CA No. 3 - ELIGIBILITY FOR VETERANS FOR CIVIL SERVICE



To provide that persons who served honorably in the armed forces of the United States for at least ninety days after September 11, 2001, for reasons other than training are eligible for the veterans' five-point preference for original state police service employment or original civil service employment by the state, by the city of New Orleans, or by any other civil service system governed by the same provisions of the constitution; to provide that persons who served honorably in the armed forces of the United States during a war declared by the United States Congress are eligible for the veterans' five-point preference for original state police service employment; and to permit the legislature to provide for the addition of war periods or armed conflicts for such eligibility by state law enacted by a two-thirds vote.

(Amends Article X, Sections 10(A)(2) and 48(A)(2))

This proposed constitutional amendment provides relative to the eligibility for preference points for veterans for civil service and state police service.

The present constitution is very specific about who is eligible to receive the veteran's preference. This proposed constitutional amendment would additionally provide that persons who have been honorably discharged from the U.S. armed forces and who served for at least 90 days after Sept. 11, 2001, for reasons other than training are eligible for the veteran's five-point preference for original appointment for civil service and state police service employment. The proponents of this change point out that the nature of conflict and war has changed and that eligibility for the veteran's preference is a way to recognize sacrifice of the service men and women who have been called to duty away from their families and careers to serve their country.

Relative to state police service, this proposed constitutional amendment would add that each person honorably discharged from the armed forces of the U.S. who served during a war declared by congress, or during any war period dates or dates of armed conflicts as provided by state law enacted by a 2/3 vote of the elected members of each house of the legislature is eligible to receive the five-point preference for original appointment in the state police service. This change makes the provisions for eligibility for the veteran's preference for state police service consistent with the civil service provisions.

CA No. 4 - LA FARMERS & FISHERMAN SUPPORT OF INDUSTRY



To authorize the legislature to provide by law for programs to assist Louisiana farmers and fishermen with support and expansion of their industries; to establish the Agricultural and Seafood Products Support Fund as a special fund in the state treasury; to provide for the sources of monies in the fund to be from the licensing of trademarks or labels for use in promoting Louisiana agricultural and seafood products, grants, gifts, donations received by the state, any other revenues as provided for by law, and monies appropriated by the legislature to the fund; and to provide for sources of monies in the fund and use of monies appropriated from the fund for assistance to Louisiana farmers and fishermen.

(Adds Article VII, Section 10.12)

This Constitutional amendment would establishes the Agricultural and Seafood Products Support Fund as a special fund in the state treasury. The fund will consist of monies received by the state from the licensing of trademarks or labels used in promoting Louisiana agricultural and seafood products, and from grants, gifts, donations received by the state, other revenues as provided by law, and any monies appropriated by the legislature. The legislature is authorized to provide by law programs to assist Louisiana farmers and fishermen with the support and expansion of their industries. Monies in the fund are to be used solely for these programs and purposes as required by the Department of Economic Development.

Proponents of the measure indicate that the fund will help professional farmers and fishing interests support and expand their industries.